

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DJGPC FILE
NO.: 24451

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ADVANCED MARKETING RESEARCH, INC.,
D/B/A EVERYDAY FURNISHINGS,

Case No.
CV 07-11212 (RMB)

Plaintiff,

-against-

PILOT AIR FREIGHT CORP.,

Defendant.

-----X

VERIFIED REPLY
TO COUNTERCLAIM

Plaintiff, by DAVID J. GOLD, P.C., its attorney, as
and for its Verified Reply to the defendant's Counterclaim
herein, respectfully alleges:

ANSWERING DEFENDANT'S COUNTERCLAIM:

FIRST: Denies each and every allegation as set
forth in paragraphs marked "12," "13" and "14" of
defendant's Answer and (Unverified) Counterclaim.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE:

SECOND: Defendant's (Unverified) Counterclaim
fails to sufficiently state a cause of action against
plaintiff upon which relief may be granted.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE:

THIRD: Defendant has unclean hands.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE:

FOURTH: Breach of contract by defendant.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE:

FIFTH: Laches, waiver and estoppel.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE:

SIXTH: Full payment.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE:

SEVENTH: Lack of subject matter jurisdiction and improper venue.

WHEREFORE, plaintiff demands judgment against defendant as prayed for in its Verified Complaint, together with the dismissal of defendant's (Unverified)

Counterclaim, plus the costs and disbursements of this action.


Yours, etc.

DAVID J. GOLD, P.C.
(DG-4912)

Attorney for Plaintiff
Office and P.O. Address
116 John Street, Suite 3110
New York, New York 10038-3411
Tel.: (212) 962-2910
Fax: (212) 962-2919
EMail: djgpcsq1@aol.com

TO: NIXON PEABODY LLP
Attorneys for Defendant
Office and P.O. Address
437 Madison Avenue
New York, New York 10022
Tel.: (212) 940-3726
Fax: (212) 940-3111

ATTORNEY'S AFFIRMATION

STATE OF NEW YORK)

COUNTY OF NEW YORK) ss.:

I, the undersigned, an attorney admitted to practice in the courts of the State of New York, state that I am the attorney of record for the plaintiff in the within action; I have read the foregoing REPLY TO COUNTERCLAIM and know the contents thereof; the same is true to my own knowledge, except as to the matters therein alleged to be on information and belief, and as to those matters I believe it to be true. The reason this verification is made by me and not by the plaintiff is because the plaintiff is not located in the county wherein your affiant maintains his office.

The grounds of my belief as to all matters not stated upon my own knowledge are as follows: Records contained in my file and conversations had with the plaintiff.

I affirm that the foregoing statements are true, under the penalties of perjury.

Dated: New York, New York
Friday, January 04, 2008



DAVID J. GOLD, ESQ.

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)

COUNTY OF NEW YORK) ss.:

LOUISE SAUER, being duly sworn, deposes and says:

I reside in New York, New York.

I am over the age of 18 years and am not a party to the within action.

On Friday, January 04, 2008, I served the annexed:

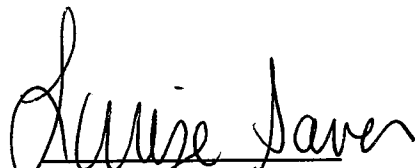
VERIFIED REPLY TO COUNTERCLAIM

upon NIXON PEABODY LLP, the persons named therein as the attorneys for the named defendant, in the following manner:

By mailing the same in a sealed envelope with postage prepaid thereon, in a post office or official depository of the U.S. Postal Service within the State of New York, via regular mail, addressed to the last known address of the addressee(s) as indicated below (the address designated by said party as his/her address):

437 Madison Avenue
New York, New York 10022

Sworn to before me this
Friday, January 04, 2008.


LOUISE SAUER

NOTARY PUBLIC
DAVID J. GOLD
NOTARY PUBLIC, STATE OF NEW YORK
NO. 31-4872791
QUALIFIED IN NEW YORK COUNTY
COMMISSION EXPIRES 09/15/2010

DAVID J. GOLD, P.C.

CASE NO.: CV-07-11212 (RMB)
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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ADVANCED MARKETING RESEARCH, INC., D/B/A EVERYDAY
FURNISHINGS,

PLAINTIFF,

-AGAINST-

PILOT AIR FREIGHT CORP.,

DEFENDANT.
=====

VERIFIED REPLY TO COUNTERCLAIM
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Pursuant TO 22 NYCRR 130-1.1, the undersigned, an attorney admitted to
practice in the courts of New York State certifies that, upon information
and belief and reasonable inquiry, the contentions contained in the annexed
document are not frivolous.

DAVID J. GOLD, P.C.
ATTORNEY FOR PLAINTIFF (DG-4912)
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